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John W. Kure
Executive Director - Federal Policy and Law

EX PARTE

November 8, 2002

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, DC 20554

Re: In the Matter of Numbering Resource Optimization, CC Docket No. 99-200

Dear Ms. Dortch:

On October 16, 2002, Qwest Corporation ("Qwest") filed a Petition requesting review of the National Pooling Administrator's ("PA") denial of Qwest's application for five sequential one thousands blocks to be used in the 505 area code and assigned specifically to the Gallup, New Mexico rate center, and for a reversal of the PA's decision to deny Qwest's request.¹ Qwest's Petition stated that these numbers are necessary to serve a single customer in the Gallup rate center and that Qwest was denied resources by the PA because the numbering resources in that rate center would not exhaust within six months.²

Qwest reiterates that the numbers it is requesting are necessary to serve a single customer in the Gallup rate center. Included with this letter is a copy of the request from the Gallup-McKinley County Public Schools Technology Services dated July 18, 2002, that states that the Gallup-McKinley County Public Schools has a need for a minimum amount of DID numbers "to increase it to a bank of 5000 DID extensions." In conversations between Qwest's sales representatives and the customer it was learned that the customer wanted consecutive numbers to create a logical dialing pattern across their 36 schools.

The Gallup rate center is a relatively small rate center without a large ongoing demand for numbers. Qwest manages five NPA-NXXs in the Gallup rate center: 505-488, 505-722, 505-726, 505-862 and 505-863. Number pooling was implemented in New Mexico on April 8, 2002 and the PA required that all eligible thousands block donations be completed

¹ Qwest Corporation Request for Assignment of Five Sequential One Thousands Blocks, filed Oct. 16, 2002 ("Petition").

² Qwest's Petition specifically noted that at the time of the application to the PA, the rate center had 9.4 months of inventory, which is 3.4 months more than the allowed six month benchmark.

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on April 1, 2002. Qwest donated four thousands blocks with no contamination out of 505-488, four lightly contaminated blocks out of 505-488, two blocks with no contamination out of 505-726, five blocks with no contamination out of 505-862, and two lightly contaminated blocks out of 505-862.³ Had Qwest received this specific customer request two months earlier, Qwest would have been able to meet the request with its pre-pooling numbering inventory.

Post-donation to the PA, Qwest has approximately 8,000 numbers in the Gallup rate center that are available for assignment. However, this inventory is heavily contaminated and does not contain blocks of contiguous numbers within a single NPA-NXX that will meet this specific customer's request.⁴ Even though Qwest has approximately 8,000 numbers available for assignment in the Gallup rate center, these numbers are spread across five NPA-NXXs and peppered throughout thirty-three thousands blocks. No one NPA-NXX has sufficient numbers to satisfy this customer's request let alone have the numbers be contiguous. Moreover, all of these thousands blocks have significantly more than 10 percent contamination, and, as a result, the blocks are not donatable to PA. Therefore, a "swap" for numbers that would meet the Gallup-McKinley County Public Schools' specific request is not feasible.

The Commission's *Third Report and Order* unmistakably concluded that a carrier should be able to get additional numbering resources when there is a verifiable need due to the carrier's inability to satisfy a specific customer request. The *Third Report and Order* goes on to state that although states may not accommodate requests for specific numbers (*i.e.*, vanity numbers), states "may grant requests for customers seeking contiguous blocks of numbers" and adopted a "safety valve" process to facilitate such requests.⁵

Pursuant to the Commission's "safety valve" procedures, Qwest first requested relief from the New Mexico Public Regulation Commission ("NMPRC"). Qwest noted in its Petition that the NMPRC has no process in place to review this kind of carrier request, and without objection from the NMPRC, Qwest asked the Commission to overturn the PA and direct that it assign Qwest five sequential thousands blocks to meet this specific customer request.⁶ Attached to this filing is a letter from Mark A. Cessarich, Utility Economist for

³ See attached *Numbering Resource Utilization Report for the Gallup Rate Center*.

⁴ The Gallup rate center is at a 68.7% utilization rate. See Petition at 3.

⁵ *In the Matter of Numbering Resource Optimization, Third Report and Order and Second Order on Reconsideration*, 17 FCC Rcd. 252, 279-82 ¶¶ 57-66 (2001) ("*Third Report and Order*"). See *id.*, in particular at 280 ¶ 59 and n.164, 280-81 ¶ 61, 281 ¶ 64, 282 ¶ 66.

⁶ See Petition at 1, 4-5.

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the Telecommunications Bureau of the NMPRC, stating that the NMPRC “has not received such requests and does not currently have processes in place to respond expeditiously.” In addition, the letter states that NMPRC staff is “aware that Qwest has filed the instant request with the FCC and agrees that proceeding in this manner under the present circumstances is appropriate and serves the interest of the affected customer.”

Again, Qwest’s lack of numbering resources prevents Qwest from being able to provide the Gallup-McKinley County Public Schools with the numbers it requires for its DID service. If Qwest is unable to provide this customer with the contiguous numbers it desires, Qwest will be at a competitive risk because the customer may choose to search for a service provider that can obtain the required numbers. Qwest requests that the Commission review the decision of the PA to deny Qwest’s request for additional numbering resources and direct the PA to provide Qwest five sequential thousands blocks.

Sincerely,

/s/
John W. Kure

cc: Jennifer Gorny (jgorny@fcc.gov)
Sanford Williams (swilliam@fcc.gov)

Attachments:

Numbering Resource Utilization Report for the Gallup Rate Center

Letter from David Oaks, Gallup-McKinley County Public Schools Technology Services
dated July 18, 2002

Letter from Mark A. Cessarich, Utility Economist, Telecommunications Bureau, New
Mexico Public Regulation Commission dated October 29, 2002

Numbering Resource Utilization Report for the Gallup Rate Center

| NPA-NXX | X | Rate Center Abbreviation | Utilization |
|---------|---|--------------------------|-------------|
| 505-488 | 0 | GALLUP | Donated |
| 505-488 | 1 | GALLUP | Donated |
| 505-488 | 2 | GALLUP | Donated |
| 505-488 | 3 | GALLUP | Donated |
| 505-488 | 4 | GALLUP | Donated |
| 505-488 | 5 | GALLUP | 50.60% |
| 505-488 | 6 | GALLUP | 34.60% |
| 505-488 | 7 | GALLUP | Donated |
| 505-488 | 8 | GALLUP | Donated |
| 505-488 | 9 | GALLUP | Donated |
| | | | |
| 505-722 | 0 | GALLUP | 60.00% |
| 505-722 | 1 | GALLUP | 100.00% |
| 505-722 | 2 | GALLUP | 87.60% |
| 505-722 | 3 | GALLUP | 80.60% |
| 505-722 | 4 | GALLUP | 89.10% |
| 505-722 | 5 | GALLUP | 64.20% |
| 505-722 | 6 | GALLUP | 85.80% |
| 505-722 | 7 | GALLUP | 61.90% |
| 505-722 | 8 | GALLUP | 88.10% |
| 505-722 | 9 | GALLUP | 86.80% |
| | | | |
| 505-726 | 0 | GALLUP | 38.20% |
| 505-726 | 1 | GALLUP | 41.40% |
| 505-726 | 2 | GALLUP | 87.20% |
| 505-726 | 3 | GALLUP | Donated |
| 505-726 | 4 | GALLUP | Donated |
| 505-726 | 5 | GALLUP | 40.00% |
| 505-726 | 6 | GALLUP | 94.00% |
| 505-726 | 7 | GALLUP | 28.00% |
| 505-726 | 8 | GALLUP | 73.00% |
| 505-726 | 9 | GALLUP | 53.50% |
| | | | |
| 505-862 | 0 | GALLUP | 15.20% |
| 505-862 | 1 | GALLUP | Donated |
| 505-862 | 2 | GALLUP | Donated |
| 505-862 | 3 | GALLUP | Donated |
| 505-862 | 4 | GALLUP | Donated |
| 505-862 | 5 | GALLUP | Donated |
| 505-862 | 6 | GALLUP | Donated |
| 505-862 | 7 | GALLUP | 77.60% |
| 505-862 | 8 | GALLUP | 26.30% |
| 505-862 | 9 | GALLUP | Donated |
| | | | |
| 505-863 | 0 | GALLUP | 44.30% |
| 505-863 | 1 | GALLUP | 98.90% |
| 505-863 | 2 | GALLUP | 83.90% |
| 505-863 | 3 | GALLUP | 90.40% |
| 505-863 | 4 | GALLUP | 88.70% |
| 505-863 | 5 | GALLUP | 88.50% |
| 505-863 | 6 | GALLUP | 63.90% |
| 505-863 | 7 | GALLUP | 92.80% |
| 505-863 | 8 | GALLUP | 88.50% |
| 505-863 | 9 | GALLUP | 64.30% |

Jul-18-2002 14:26 From:
Database Specialist
Mark Gibbons
Database Support
Delphine Bitally
Accountability Data
Systems Technician

**GALLUP-MCKINLEY COUNTY PUBLIC SCHOOLS
TECHNOLOGY SERVICES**
P.O. Box 1318
640 So. Boardman
Gallup, New Mexico 87305-1318
(505) 722-7711 - FAX (505) 722-7411
Robert Gomez, Superintendent

David Oakes, Director

Sam Pemberton
Network Analyst II
Victor Rob
Network Analyst II
David Scott
Systems Operator

July 18, 2002

Qwest
Attn: Lorraine Gomez
Fax: 505-765-7251
e-mail: eigome1@qwest.com

RE: Bank 5000 DID numbers for Gallup School District

Dear Ms. Gomez:

We currently have a minimum amount of DID numbers and in an effort to improve communication to all 36 schools we are now in need to increase it to a bank of 5000 DID extensions, using our existing 2-way DID trunks. In order for the community to have direct access to all of the school staff it is essential that we get this provided at our 700 Boardman location. We have contracted with Expanets to complete this major upgrade for us. We anticipate using all 5000 numbers immediately. If possible we would like to have our own Qwest prefix reserved for this project. Your immediate response to this matter would be greatly appreciated, as they are contracted and committed to implementing this as soon as possible. Thank you.

Sincerely,



David Oakes
Director

NEW MEXICO PUBLIC
REGULATION COMMISSION

UTILITY DIVISION
JOHN CURL, Division Director



LYNDA M. LOVEJOY, Chairwoman
HERBERT H. HUGHES, Vice Chairman
JEROME D. BLOCK, Commissioner
RORY McMINN, Commissioner
TONY SCHAEFER, Commissioner

Marian Hall ♦ 224 East Palace Avenue ♦ Santa Fe, New Mexico 87501
(505) 827-6940 ♦ FAX (505) 827-4402

October 29, 2002

Mr. Sanford Williams
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW, TW-A325,
Washington, DC 20554

Dear Mr. Williams:

I am writing in regard to Qwest's recent filing, Request for Assignment of Five Sequential One Thousands Blocks. Qwest first approached this Commission with its request as allowed under the FCC's Numbering Resource Optimization Orders, FCC 00-429 and FCC 01-362 released in CC Docket NO. 99-200, which would allow Neustar, New Mexico's Number Pooling Administrator, to provide a new NXX to Qwest.

Mr. Michael R. Horcasitas, Qwest's Manager of Regulatory Affairs, wrote in a letter (dated 9-6-02) to the NM Public Regulation Staff stating "Qwest is requesting a new NXX in the 505 NPA, Gallup rate center, to meet a specific customer request. The customer, Gallup-McKinley County Public Schools, is requesting 5 sequential blocks of 1000 numbers each for a total of 5,000 numbers. Qwest cannot provide the requested numbers without a new NXX." The Commission has not previously received such requests, however, and does not currently have processes in place to respond expeditiously.

Utility Division Staff is currently working with Qwest to develop appropriate filing requirements and review procedures for future requests with the intention of presenting them to the Commission for approval and adoption. Meanwhile, Staff is aware that Qwest has filed the instant request with the FCC and agrees that proceeding in this manner under the present circumstances is appropriate and serves the interest of the affected customer.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Cessarich", with a large, stylized flourish at the end.

Mark A. Cessarich
Utility Economist/Telecommunications Bureau
505-827-6903 / mark.cessarich@state.nm.us

cc: Michael Ripperger, Bureau Chief Telecommunications
Joan Ellis, NMPRC Attorney Master
Tom Olson, Attorney – Montgomery & Andrews